

PLUMBERS' EXAMINING BOARD MEETING MINUTES

Meeting Date: April 10, 2013
Meeting Location: Central Conference Room, State of Maine - Gardiner Annex, Northern Avenue, Gardiner, Maine
Time Meeting Began: 9:00 a.m.

Roll Call of Officers:

The following members were present:

Michael Lowe, Chair

Lawrence Kent

William Longley, Jr.

Staff Present:

Catherine Carroll, Administrator

Dana Tuttle, Senior Plumbing Inspector

Jenny Dalbeck, Board Clerk

Michelle Lovering, Board Clerk for Elevator and Tramway Safety

AAG Present:

Carrie Carney

Christopher Mann

Welcome and Farewell

Chairman Lowe greeted incoming AAG Christopher Mann to represent the Maine Plumbers' Examining Board and Michelle Lovering incoming Clerk of the Board. The Board parted with outgoing Carrie Carney and Jenny Dalbeck who are leaving their posts with the PEB for new careers within the Department. Welcome, Chris and Michelle. Thank you for your service and congratulations, Carrie and Jenny.

Amendment to the Meeting's Agenda

Chairman Lowe requested adding an item to the meeting's agenda to discuss with Carrie Carney the prospect of the Attorneys General Office investigating an individual who, at least once, has practiced without a license.

A motion was made to add this as a discussion item to the April meeting agenda.

Motion: William Longley

Second: Lawrence Kent

Unanimous

Upcoming Conference

Chairman Lowe announced that he regretting that he would not be attending the trip to Salt Lake City to represent Maine's Enforcing Authority on IAPMO's Plumbing Technical Committee that's scheduled to take place at the end of the month.

Board Meeting Minutes

A motion was made to accept the Minutes of the February meeting.

Motion: William Longley
Second: Michael Lowe
Unanimous

Adjudicatory Hearing - 2013-PLU-9033 – Robert Brackett

Chairman Lowe started the hearing by reading aloud an opening statement, and then asked Mr. Brackett to give his opening statement in which he requested that the board “re-instate” his Master Plumber license. Carrie Carney asked Mr. Brackett a series of questions regarding how he became a plumber, what kind of work did he do as a plumber, what has he been doing since his license lapsed in 2008, what his plans were should his license be “re-instated”, and has he been educated on updates of the UPC. Board members asked Mr. Brackett questions specific to his work history and his work plans should his license be “re-instated”. After questioning, Chairman Lowe asked for Mr. Brackett’s closing remarks. The Board went into deliberations with the focus on Chapter 3, Section 9-B of their rules for “re-instating” a license. In its deliberations, the Board members expressed their “reluctance” to deny a license to Mr. Brackett given his 30 year history as a licensed plumber and his explanation as to why his license lapsed five years ago. The Board members however believe Mr. Brackett’s license could be issued upon passing the examination for Master Plumber.

A motion was made to grant Mr. Brackett a Master Plumber license subject to passing the master exam.

Motion: William Longley
Second: Lawrence Kent
Unanimous

Decision and Order - 2011-PLU-7270 – David Pinkham

A motion was made to approve the Decision and Order of this case as a result of the Board’s decision on resolving this case.

Motion: William Longley
Second: Lawrence Kent
Unanimous

After the vote, Catherine Carroll stated that she inform the Maine Fuel Board (MFB) of the Decision and Order (D&O) and provide a copy of the D&O in view of the fact that Mr. Pinkham is licensed by the MFB.

Complaint Presentation - 2012-PLU-7879

Carrie Carney stated that the licensed Master Plumber hired out-of-state workers unlicensed in the State of Maine. Carrie stated that the respondent admitted fault and was apologetic. He agreed to

the terms and conditions of the Consent Agreement and signed the document. Some board members saw this as a case of "fraud and deceit" by both parties and some board members would have preferred sanctioning the licensed and unlicensed.

A motion was made to accept the Consent Agreement as proposed.

Motion: William Longley
Second: Lawrence Kent
Opposed: Michael Lowe
Motion Carried

Administrator's Report

Catherine Carroll attended a Job Fair in March hosted by the Maine Department of Labor's Career Center and the Employer Support of the Guard and Reserve to represent the Department's licensing services in the trades. The Job Fair, while open to the public, intended on attracting veteran's seeking employment. Catherine stated that she experienced a steady stream of visitors. She plans on attending similar job fairs in May. The Department's so-called Omnibus Bill, LD 867, changes the membership of the Maine Plumbers' Examining Board by eliminating the Journeyman Plumber seat and adding a Master Plumber seat to the Board. The legislative oversight committee voted unanimously that LD 867 ought to pass. The committee's recommendation has yet to be decided by full Legislature and the Governor. Catherine offered her assistance to Board members who wish to seek a new term from the Governor.

Senior Inspector's Report

Dana Tuttle reported that he judged the Skills USA competition in Bangor, judged the skills competition at the PHCC trade show in Augusta, and presented a 1.5 hour course on the plumbing code. He is working with the MBOIA on a three-hour training session to be presented at their spring conference in May. He is also working with IAPMO on a summer training session to be conducted around the state. He reported that Kennebec Valley Community College has a two-day meeting coming up on problem-based teaching methods. Dana stated that Portland and surrounding communities are getting busy with plumbing work. Unlicensed practice is persistent. Mr. Lowe mentioned that the Lewiston High School is creating a curriculum for the plumbing trade and the school is looking for a program instructor.

Other Business

Chairman Lowe sought input on whether the PEB needs to modify its rules in light of the 2011 amendment to the federal **Lead Reduction Act** which takes effect in January of 2014 in which manufacturers of pipes, pipe fittings, plumbing fittings, and fixtures must meet the "lead free" definition. The conclusion was that the federal Safe Drinking Water Act is enforced by EPA on those manufacturing plumbing parts and that the PEB does not need to address this in their rules seeing that the PEB is not the enforcer of the federal law in this case. It was pointed out that eventually plumbers will not be able to purchase products with lead, hence, there's no need to add to the PEB's rules that fixtures must be "lead free" as defined in the Safe Drinking Water Act.

Chairman Lowe requested to reinstate a dialogue on **Continuing Professional Education CPE** in 2009, and re-visit the notion of CPE, or an adaptation thereof. He also welcomes public comment

pursuant of the Governor's Executive Order on Rulemaking. William Longley stated that he is a proponent of CPE, is subject to it himself and sees other licensing boards requiring CPE. Mr. Longley however is aware of the Governor's order to limit and justify any cost elevators on the licensee as a result of CPE. Mr. Lowe suggested coming up with a proposal that would satisfy the Governor's wishes to not place unnecessary regulatory burdens on the licensee. Some suggested that upon renewal of a license an individual could take a refresher course with the objective that these individuals demonstrate that they understand the information in the refresher course. To further the discussion at their June Meeting, the Board asked Catherine Carroll to provide a sampling of CPE from other similar licensing boards within the Department.

Chairman Lowe asked Carrie Carney for her thoughts on having the Attorneys General Office ***investigate individuals practicing without a State of Maine license***. Her recommendations would be to perhaps to have her office take on investigations that have multiple situations and/or are threatening to public health. Investigating individual situations is costly to the office and cases are likely to bring diminutive results. A proactive approach would be notifying our contacts out of state and licensees of the PEB's rules and regulations and that unlicensed practice is prohibited.

William Longley stated that he received positive feedback from a local plumbing inspector on his recent interaction with Dana Tuttle. Mr. Longley and other members also expressed their appreciation of Dana's professionalism and outstanding customer service.

Adjourned

The meeting adjourned at 11:00 AM.

Respectfully submitted,

Jenny Dalbeck
Board Clerk